

EXHIBIT D

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 2:16-cv-06576

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INDUSTRIA DE ALIMENTOS ZENU S.A.S.,

Plaintiff,

-against-

LATINFOOD U.S. CORP. d/b/a ZENU

PRODUCTS CO. and WILSON ZULUAGA,

Defendant/Counter Plaintiff,

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LATINFOOD U.S. CORP. d/b/a ZENU

PRODUCTS CO.,

Defendant/Counter Plaintiff,

-against-

INDUSTRIA DE ALIMENTOS ZENU S.A.S. and

CORDIALSA, USA, INC.,

Counter Defendants.

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22 April 11, 2019

10:10 a.m.

24 Confidential Deposition of LUIS SALAZAR

<p style="text-align: right;">Page 50</p> <p>1 L. Salazar 2 A. Not all of them and the ones that we 3 have have been provided to our attorney. 4 RQ MR. INGBER: I don't believe we have 5 ever received any written report about 6 Marquillas and we ask that it be produced. 7 MR. RAYMOND: It's been produced. It 8 is not a report. It is a document but it's 9 been produced. 10 BY MR. INGBER: 11 Q. So you had testified that the 12 complaint says that Industria became aware in 13 October 2013 of Latinfood's Zenu mark in the US. 14 Is that when you became aware of the 15 design of the products as well? 16 MR. RAYMOND: I object to the form of 17 the question. Design of the products? Do 18 you mean the labeling or something? What 19 are you talking about? 20 MR. INGBER: The labeling. 21 A. I said that I had learned of this 22 through the testimony that I mentioned. I did not 23 say anything about the date that you are putting 24 in the question. 25 Q. Will you be able to check your records</p>	<p style="text-align: right;">Page 52</p> <p>1 L. Salazar 2 telling you that. 3 MR. INGBER: We are not just relying 4 here on documents. We are here for 5 testimony about his knowledge of the records 6 of the company. So we are not just bound by 7 the documents whatever many you produced. 8 MR. RAYMOND: Good. Then you can ask 9 him any question you want but you can't give 10 him assignments. That's all I am saying. 11 You can ask him any question you want, show 12 him any document you want but you can't ask 13 him to go do things for you. That's my 14 objection. So let's move on. 15 MR. INGBER: Okay. 16 BY MR. INGBER: 17 Q. Are there any other persons at 18 Industria that would be familiar with what 19 happened in the report from October of 2013 from 20 Gloria? 21 MR. RAYMOND: Object to the form. 22 There has been no testimony the report from 23 Gloria came from October 2013. In fact, his 24 testimony was it came in before that. 25 MR. INGBER: I didn't hear him testify</p>
<p style="text-align: right;">Page 51</p> <p>1 L. Salazar 2 and determine when you exactly became aware of 3 Latinfood's use of the Zenu brand mark? 4 A. I already said in previous answers 5 that we learn of this through different events. 6 Q. I am asking you about October of 2013. 7 Will you be able to look at your 8 records to determine when you were first made 9 aware of Latinfood's use of the Zenu brand? 10 A. We will be able to look at the record 11 and see which date we took Gloria's information. 12 RQ MR. INGBER: We are here for a second 13 day. I ask that you have the answer when we 14 resume the deposition tomorrow so that we 15 can avoid having to have you or somebody 16 else come back to testify about that. 17 MR. RAYMOND: Let me state that I 18 think this whole line is inappropriate. 19 There are documents that have been produced 20 that set forth the dates of, I think, all 21 the things you are asking. He has testified 22 there were several events. It is not his 23 job to go back and search through the 24 documents to identify dates. He is here to 25 testify about what he knows. And he is</p>	<p style="text-align: right;">Page 53</p> <p>1 L. Salazar 2 about that. 3 MR. RAYMOND: He testified about it at 4 least twice in the last half an hour. 5 BY MR. INGBER: 6 Q. So are you saying that -- your 7 attorney has just stated that and maybe I missed 8 this previously, that Industria became aware of 9 Latinfood's use of the Zenu brand product prior to 10 October 2013; is that correct? 11 MR. RAYMOND: I didn't testify -- 12 excuse me. I didn't testify to anything. 13 What I said is that he testified that 14 Gloria's report came in before October 2013 15 is what he said. 16 MR. INGBER: Okay. 17 BY MR. INGBER: 18 Q. So Gloria's report came in before 19 October of 2013; is that correct? 20 A. I have already said I do not remember 21 the date. 22 Q. I understand, but was it before 23 October of 2013? 24 A. I don't remember. 25 Q. In paragraph 64 it says that a</p>

<p>1 L. Salazar 2 supplier contacted Industria to alert it of 3 Latinfood's activity. 4 Who was the supplier? 5 A. Marquillas. 6 Q. Marquillas is a supplier of Industria? 7 A. I do not work with the suppliers, no. 8 Q. Who works with the suppliers? 9 A. Santiago Jimenez. 10 Q. Do you know if Mr. Jimenez was alerted 11 to Marquillas's complaint? 12 A. I don't know if he was alerted 13 directly. 14 Q. Have you ever spoken to Mr. Jimenez 15 about what happened with Marquillas? 16 A. We have talked directly to our 17 attorneys. 18 Q. Did you speak with Mr. Jimenez about 19 this personally? 20 A. No. 21 MR. RAYMOND: Mark, just to clarify 22 one point, I was just handed a note saying 23 that in an e-mail that we sent you on 24 January 28 of this year we notified you we 25 had researched it and determined that</p>	<p>Page 54</p> <p>1 L. Salazar 2 about Latinfood's activity; is that correct? 3 A. Within my knowledge that's correct. 4 Q. So I would like you to look at 5 paragraph 65 of the complaint now. 6 Did this investigation by Industria 7 into Latinfood's business begin in October of 2013 8 when Marquillas informed Industria of Latinfood's 9 activity? 10 A. When Industria became aware of all of 11 that information it was immediately handled 12 through the attorneys. I don't remember the exact 13 date. 14 Q. Has anyone ever contacted Industria to 15 ask if Industria is affiliated with Latinfood in 16 the US? 17 A. Gloria's complaint was about that. 18 Q. Is there anybody else beside Gloria? 19 A. Not that I know of. 20 MR. INGBER: Five minute break Peter. 21 MR. RAYMOND: Sure. 22 (Recess taken.) 23 MR. INGBER: I would like to put a 24 caveat on the record that your testimony 25 today is supposed to be spontaneous. I am</p>
<p>1 L. Salazar 2 Gloria's report was made on September 11, 3 2014. 4 Q. Do you know if there is a report by 5 Marquillas? 6 A. I know the information that was 7 provided to the attorneys. 8 Q. Is it accurate to say that then 9 looking at paragraph 64 in the complaint that 10 Industria was unaware of Latinfood's use of the 11 Zenu mark in the US until in or around October 12 2013 when Marquillas contacted Industria? 13 A. I am not very clear on what the 14 question is. 15 MR. INGBER: Could you repeat the 16 question? 17 (Record read.) 18 A. I did not know before. I did not 19 know. 20 Q. But Industria knew; is that correct? 21 MR. RAYMOND: I am sorry. 22 Industria knew what? 23 Q. Industria became aware of Latinfood's 24 use of the Zenu mark in the US in October of 2013 25 when Marquillas contacted Industria to inform them</p>	<p>Page 55</p> <p>1 L. Salazar 2 asking your counsel not to speak to you 3 about the line of questions that I am asking 4 you today so we can keep your testimony 5 spontaneous. 6 MR. RAYMOND: I don't know what that 7 means but obviously I have the right to 8 consult with my client as necessary. 9 MR. INGBER: Well, you don't have a 10 right to consult with your client about his 11 testimony in the middle of a deposition. 12 MR. RAYMOND: I certainly do, but 13 anyway. Let's move on. 14 MR. INGBER: If you will say you are 15 not going to I will respect your word. That 16 will be fine. 17 MR. RAYMOND: Of course I am not going 18 to say I won't consult with my client. I 19 will consult with my client when it's about 20 whatever I think is appropriate. 21 MR. INGBER: So you are saying you 22 will feel free to consult with your client 23 about his answers during the middle of his 24 deposition. 25 MR. RAYMOND: I am not going to say</p>

<p>1 L. Salazar</p> <p>2 anything of the sort. I am saying that I</p> <p>3 will reserve my rights to speak to my client</p> <p>4 about whatever I want to speak to my client</p> <p>5 about.</p> <p>6 MR. INGBER: During the middle of a</p> <p>7 deposition as well?</p> <p>8 MR. RAYMOND: Whatever I want to talk</p> <p>9 to my client about that's appropriate I will</p> <p>10 speak to him about.</p> <p>11 What right do you have to try to tell</p> <p>12 me what I can and cannot speak to my client</p> <p>13 about?</p> <p>14 MR. INGBER: The right I have is that</p> <p>15 this is a deposition and it is not supposed</p> <p>16 to be having a counsel discuss the lines of</p> <p>17 questions and how he responds during the</p> <p>18 course of a deposition transcript. This is</p> <p>19 a really important issue. I think this is</p> <p>20 pretty basic.</p> <p>21 MR. RAYMOND: Let's move along. If</p> <p>22 you have some case or citation you think</p> <p>23 governs my ability to speak to my client I</p> <p>24 would be happy to look at it, but let's move</p> <p>25 on.</p>	<p>Page 58</p> <p>1 L. Salazar</p> <p>2 on.</p> <p>3 BY MR. INGBER:</p> <p>4 Q. Mr. Salazar, do you have any records</p> <p>5 showing a crossover of Industria and Latinfood</p> <p>6 customers between the US and Columbia?</p> <p>7 A. Overlap, no.</p> <p>8 Q. So to your knowledge, Latinfood and</p> <p>9 Industria have different customers; is that</p> <p>10 correct?</p> <p>11 A. Industria does not do business in the</p> <p>12 United States.</p> <p>13 Q. Now I would like you to look at -- by</p> <p>14 the way, I am not sure if I asked this before, but</p> <p>15 did you provide any information in connection with</p> <p>16 the claims in this complaint LS B?</p> <p>17 MR. RAYMOND: Object to the form.</p> <p>18 A. Which one is LS B?</p> <p>19 Q. That whole document.</p> <p>20 A. What's the question?</p> <p>21 (Record read.)</p> <p>22 MR. RAYMOND: My objection to the</p> <p>23 form. To clarify is provide information to</p> <p>24 whom?</p> <p>25 A. All the information has been through</p>
<p>1 L. Salazar</p> <p>2 MR. INGBER: I don't have a case on</p> <p>3 hand but we may need to speak to the</p> <p>4 magistrate about this because this is a very</p> <p>5 important issue. It appears to me your</p> <p>6 witness has been consulting with you during</p> <p>7 the course of the deposition transcript.</p> <p>8 MR. RAYMOND: You have no idea what I</p> <p>9 have consulted with my client about. So</p> <p>10 your implication is insulting and I am not</p> <p>11 going to respond to it any further. So</p> <p>12 let's move on.</p> <p>13 MR. INGBER: Well, it is on the</p> <p>14 record.</p> <p>15 MR. RAYMOND: What's on the record?</p> <p>16 MR. INGBER: It is on the record my</p> <p>17 objection to it.</p> <p>18 MR. RAYMOND: Objection to what? What</p> <p>19 is it I have done? Tell me what evidence</p> <p>20 you have that I interfered in any way in</p> <p>21 this deposition.</p> <p>22 MR. INGBER: I don't know that you</p> <p>23 have but I am allowed to put a caveat on the</p> <p>24 record.</p> <p>25 MR. RAYMOND: Good. Then let's move</p>	<p>Page 59</p> <p>1 L. Salazar</p> <p>2 our attorneys.</p> <p>3 Q. So is that answer no when I am talking</p> <p>4 about you personally?</p> <p>5 MR. RAYMOND: Object to the form.</p> <p>6 A. We have provided the information to</p> <p>7 the attorneys.</p> <p>8 Q. Does that include you?</p> <p>9 A. The business that I represent.</p> <p>10 Q. Again, so not you personally, on</p> <p>11 behalf of Industria?</p> <p>12 MR. RAYMOND: Object to the form. He</p> <p>13 answered the question. Let's move on.</p> <p>14 Q. Please answer.</p> <p>15 A. We have provided all of the</p> <p>16 information to the attorneys involving myself and</p> <p>17 that's how we dealt with it.</p> <p>18 Q. Thank you.</p> <p>19 Now I would like you to turn your</p> <p>20 attention to paragraph 23 of the complaint LS B</p> <p>21 page 6.</p> <p>22 Do you have any evidence demonstrating</p> <p>23 that your Zenu and Ranchera marks have become</p> <p>24 famous in Columbia and across Latin America?</p> <p>25 MR. RAYMOND: Object to the form of</p>